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IN THE DRAWINGS:

A replacement sheet bearing Fig. 1 is filed herewith. The amended Fig. 1 does not contain any new matter. The only change to amended Fig. 1 is the addition of reference number "192" indicating the light source which is also illustrated and described in connection with the embodiment of Fig. 10. Entry of the replacement Fig. 1 is respectfully requested.

A replacement sheet bearing Fig. 2 is also filed herewith. The amended Fig. 2 does not contain any new matter. The only change to amended Fig. 2 is the addition of a box labeled "imaging circuitry (110)." This addition to Fig. 2 is supported by the specification as originally filed at, for example, paragraph 0043. Entry of the replacement Fig. 2 is respectfully requested.

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REMARKS

This is a full and timely response to the non-final Official Action mailed August 25, 2005. Reconsideration of the application based on the preceding amendments and the following remarks is respectfully requested.

Claim Status:

Claims 4, 8-15, 22-28, and 37-53 have been withdrawn from consideration. Claims 19 and 54-63 have been canceled by the present paper without prejudice or disclaimer. Thus, claims 1-3, 5-7, 16-18, 20, 21 and 29-36 are currently pending for further action.

Restriction:

Claims 8 and 37 were examined initially and then withdrawn from consideration in the latest Office Action. Applicant respectfully requests the re-introduction and consideration of claims 8 and 37 for at least the following reasons.

As requested by the recent Office Action, the subject matter of claims 8 and 37 has been given a reference number (192) in Fig. 1, which figure represents the elected species. Consequently, claims 8 and 37 now read on the elected species of Fig. 1 and should therefore be examined in the present application.

Additionally, as noted above, claims 8 and 37 were already searched and considered in a previous Office Action. Consequently, there is now no serious burden on the Office to examine claims 8 and 37 in the present application. According to the MPEP § 803, if the search and examination of claims in an application can be made without serious burden, the examiner *must* examine those claims on the merits, even though they include claims to independent or distinct inventions.

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For either and both of these reasons, claims 8 and 37 should be considered as pending and under consideration in the present application. Therefore, further examination of claims 8 and 37 is respectfully requested.

Drawings:

The recent Office Action objected to the drawings under 37 CFR 1.83(a) for allegedly not illustrating the "circuitry" recited in claim 54 and the "light source means" recited in claim 58. Accordingly, replacement sheets for Figs. 1 and 2 have been filed herewith and described above to add or indicate the specified subject matter in the Figures associated with the elected species. As indicated above, no new matter has been added.

Consequently, following entry of this amendment, the objection to the drawings should be reconsidered and withdrawn. Notice to this effect is respectfully requested.

Prior Art:

With regard to the prior art, the recent Office Action rejects claims 1-3, 5-7, 17-21, 29-31, 33-36 and 54-58 as anticipated under 35 U.S.C. § 102(b) by U.S. Patent No. 5,788,355 to Na ("Na"). For at least the following reasons, this rejection is respectfully traversed.

Claim 1 recites:

A projector, comprising:  
a hemispherical housing for housing circuitry configured to generate an image, said housing including a flat bottom surface;  
a lens configured to focus and project said image; and  
a swivel base rotatably coupled to said flat bottom surface of said housing;  
wherein said lens is aimed in a horizontal plane by swiveling said housing on said swivel base; and  
wherein said hemispherical housing swivels on said swivel base about an axis that is normal to said bottom surface of said hemispheric housing and passes through a center of said hemispherical housing.

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Independent claim 29 similarly recites:

A method of making a projector, said method comprising:  
providing a hemispherical housing for housing circuitry configured to generate an image that is then projected through a lens, said housing including a flat bottom surface; and  
rotatably coupling a swivel base to said flat bottom surface of said housing; wherein said lens is aimed in a horizontal plane by swiveling said housing on said swivel base; and  
wherein said hemispherical housing swivels on said swivel base about an axis that is normal to said bottom surface of said hemispheric housing and passes through a center of said hemispherical housing.  
(emphasis added).

In contrast, Na fails to teach or suggest the claimed subject matter. Specifically, Na fails to teach or suggest "a hemispherical housing for housing circuitry configured to generate an image, said housing including a flat bottom surface." Na further fails to teach or suggest that "said hemispherical housing swivels on said swivel base about an axis that is normal to said bottom surface of said hemispheric housing and passes through a center of said hemispheric housing." The Office apparently agrees with this analysis as Na was not applied in the recent Office Action to any claims that recited the hemispherical configuration of Applicant's projector.

"A claim is anticipated [under 35 U.S.C. § 102] only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987) (emphasis added). See M.P.E.P. § 2131. For at least this reason, the rejection of claims 1 and 29, and their respective dependent claims, based on Na should now be reconsidered and withdrawn.

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Claims 1, 7, 16, 17-21, 29, 32, 35, 36, 54, 57-59 and 63 were alternatively rejected as anticipated under 35 U.S.C. § 102(b) by UK Patent No. 2,355,080 to Lloyd ("Lloyd"). For at least the following reasons, this rejection is also respectfully traversed.

In contrast to claims 1 and 28, Lloyd also fails to teach or suggest "a hemispherical housing for housing circuitry configured to generate an image, said housing including a flat bottom surface" and "a swivel base rotatably coupled to said flat bottom surface of said housing."

Lloyd teaches a spherical "planetarium" projector that does not have a flat bottom and that does not have a swivel base. The housing (1) rests on a base (5) "in the form of a ring." "The lower portion 1 may be provided with several indentations with which to receive the upper edge portion of the base 5, to achieve better stability." (Lloyd, p. 4, lines 5-7). Clearly, Lloyd does not teach or suggest a swivel base as claimed that is "rotatably coupled to said flat bottom surface of said housing" such that "said hemispherical housing swivels on said swivel base about an axis that is normal to said bottom surface of said hemispherical housing and passes through a center of said hemispherical housing." The ring (5) taught by Lloyd cannot reasonably be considered a swivel base rotatably coupled to the bottom surface of the projector housing as disclosed and claimed by Applicant.

"A claim is anticipated [under 35 U.S.C. § 102] only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987) (emphasis added). See M.P.E.P. § 2131. For at least this reason, the rejection of claims 1 and 29, and their respective dependent claims, based on Na should be reconsidered and withdrawn.

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Additionally, various dependent claims in the application recite subject matter that is not taught or suggested by the cited prior art. Specific examples follow.

Claim 3 recites: "wherein said lens tube is configured to translate along said lens track such that said lens can be vertically positioned at any angle between 0 and 90 degrees with respect to said swivel base." Claim 4 similarly recites: "wherein said lens tube is configured to translate along said lens track such that said lens can be vertically positioned at any angle between 0 and 180 degrees with respect to said swivel base."

Neither of the cited prior art references teach or suggest a configuration capable of providing the range of projection angles that are enabled, disclosed and claimed by Applicant. For at least this additional reason the rejection based on Na of claims 3 and 4 should be reconsidered and withdrawn.

Claim 36 recites: "coupling said swivel base to a ceiling." This is not taught or suggested by the prior art of record. Therefore, reconsideration of the rejection of claim 36 should be made and the rejection withdrawn.

Claims 8 and 37 are withdrawn, but should be considered for the reasons given above. Claim 8 recites "a light source separate from said lens, said light source being disposed on an exterior of said housing so as to provide light around an area of said housing." Claim 37 recites similar subject matter. This subject matter is not taught or suggested by the prior art of record. Therefore, allowance of claims 8 and 37 should be granted.

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Conclusion:

For the foregoing reasons, the present application is thought to be clearly in condition for allowance. Accordingly, favorable reconsideration of the application in light of these remarks is courteously solicited. If the Examiner has any comments or suggestions which could place this application in even better form, the Examiner is requested to telephone the undersigned attorney at the number listed below.

Respectfully submitted,

DATE: 21 November 2005


  
Steven L. Nichols  
Registration No. 40,326

Steven L. Nichols, Esq.  
Managing Partner, Utah Office  
Rader Fishman & Grauer PLLC  
River Park Corporate Center One  
10653 S. River Front Parkway, Suite 150  
South Jordan, Utah 84095

(801) 572-8066  
(801) 572-7666 (fax)

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Rebecca R. Schow